

**HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 21, 2013**

The Howard County Board of Commissioners met in Regular Session on Monday, October 21, 2013, at 8:30 a.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Brad Bray. Also in attendance were Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Tyler Moore. Commissioner Bray led in the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

**IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the Regular meeting dated October 7, 2013, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

**IN THE MATTER OF DEPARTMENTAL REPORTS:**

**HIGHWAY DEPARTMENT:**

1) Highway Superintendent / Engineer Ted Cain submitted the following quotes for a 2014 4x4 ¾ Ton Pick-up Truck:

Kokomo Auto World	\$30,609.25
Brad Howell Ford	\$30,897.30
Button Dodge	\$36,100.00

Mr. Cain recommended purchasing the 2014 Pick-up Truck from Kokomo Auto World. He also informed the Board that future vehicle purchases will include: (1) a new van; (2) a single-axle dump truck; (3) an additional pick-up truck. The pick-up trucks are now being used for snow removal in subdivisions and for debris removal resulting from floods. A motion was made by Mr. Wyman to approve the purchase of the 2014 ¾ ton Pick-up truck from Kokomo Auto World, in the amount of \$30,609.25. The motion was seconded by Mr. Bray and carried.

2) Mr. Cain submitted the Notice to Bid for the 2014 Materials and Supplies for the Highway Department. The bids are to be returned to the Auditor's Office no later than 8:00 a.m. on Monday, November 18, 2013, and opened at 8:30 a.m. at the Commissioner Meeting. The Notice to Bid for 2014 Materials and Supplies for the Highway Department was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

3) Mr. Cain submitted the Road Transfer Memorandum of Agreement between the Indiana Department of Transportation and Howard County, Indiana, concerning the transfer of County Road 400 North to INDOT for the re-routing of US 35, plus a portion of County Road 50 East, and the transfer of two local service roads (south and north of CR 400 North) to Howard County. These transfers are in connection with the final stages of construction of the new US 31 that will include the realignment and extension of US 35 over CR 400 West to US 31. Mr. Cain has inspected the service roads and approves of what the State has done. A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve the Road Transfer Memorandum of Agreement between INDOT and Howard County, concerning the transfer of County Road 400 North to INDOT for the re-routing of US 35, and the transfer of two local service roads to Howard County.

**HOWARD COUNTY RECORDER:**

1) Recorder Brook Cleaver submitted an Agreement for Contract Services between the Howard County Board of Commissioners and Ms. Karen Klein. This agreement is for back indexing of recorded images from prior years, so that Howard County does not have to hire an outside contractor to complete this project. A motion was made by Mr. Wyman to approve the Contract with Ms. Karen Klein for back indexing services, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

2) Ms. Cleaver submitted Schedule H, (an amendment to the existing Fidlar Agreement) for CrowdForce Indexing Services. This is an add-on module that assists in the conversion of our older documents into a digitized format. Ms. Cleaver has fourteen years of documents ready to be digitized. The county will pay \$.75 per processed document (\$.50 to the CrowdForce employee, and \$.25 to Fidlar). Ms. Cleaver is expecting to spend about \$107,000 over the next year for this service. She reminded the Commissioners that her office brings in about

\$18,500 monthly, into the Perpetuation Fund. A motion was made by Mr. Wyman to approve Schedule H, CrowdForce Indexing Services, of the existing Fidlar Technologies Agreement, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

**HOWARD COUNTY ASSESSOR:**

County Assessor Jamie Shepherd asked an additional two weeks to review the CAMA Software Proposals from Tyler Technologies and ExSoft Inc. She will submit her recommendation at the November 4<sup>th</sup> meeting.

**SHERIFF DEPARTMENT:**

Sheriff Steve Rogers informed the Board that because the vehicle they are purchasing for Kinsey Youth Center is being used for government purposes, it is not eligible for the Forever Warranty, only the Standard Warranty. Sheriff Rogers submitted the waiver form for the Commissioners to sign off on the Forever Warranty. A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve and sign the Warranty Acknowledgement of the Forever Warranty for the van to be used by Kinsey Youth Center.

**STORMWATER:**

Stormwater Coordinator Greg Lake informed the Board that Grant Coordinator Tina Mendenhall has not received the last claim for payment at this time. She will bring it to the November 4<sup>th</sup> meeting.

**PERSONNEL:**

1) Personnel Director Wanda McKillip submitted an employee memo concerning the AFLAC meetings on October 29 – 31, 2013, to be held in the Administration Center, Government Center, Courthouse, and Kinsey Youth Center. She asked for permission to distribute the memos this week. The Commissioners agreed by consensus.

2) Mr. McKillip submitted the following PAC requests and recommendations from the October 17<sup>th</sup> meeting:

Kinsey Youth Center requested changing a Part-time position Secretary to a Full-time Secretary/Bookkeeper position with a salary of \$27,612.00. **PAC recommends changing the Part-time position Secretary to a Full-time Secretary/Bookkeeper with a salary of \$27,612.**

Howard County Health Department requested changing a Part-time position Secretary to a Full-time Secretary position with a salary of \$24,614.00 **PAC does not recommend changing the position from a Part-time Secretary position to a Full-time Secretary position.**

Dr. Zent, Kent Weaver, and Jennifer Sexton, of the Health Department, entered into the justification of this request. Commissioner Wyman began discussion of why the PAC did not recommend the Health Department request. Also taking part in the discussion were Personnel Director Wanda McKillip and Kinsey Director Jeff Lipinski. At the conclusion of discussion a motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve the PAC recommendation for the Kinsey Youth Center request pending confirmation by the County Council that the position was included and approved for the 2014 Budget, and forward the recommendation to the County Council. The Board of Commissioners did not offer a recommendation to forward to the Council, concerning the Health Department request. They asked that the Health Department review their figures to support the request, including FICA, Medical, and PERF, and re-submit the request.

**IN THE MATTER OF THE EASY WATER PROPOSAL FOR THE CRIMINAL JUSTICE CENTER:**

A presentation of the EasyWater Conditioning System for the Criminal Justice Center was submitted at the October 7<sup>th</sup> meeting (*please refer to page three, item one, "In the Matter of Departmental Reports: Maintenance Department", of the Regular Meeting minutes dated October 7, 2013*). Discussion ensued between Buildings & Grounds Superintendent Scott Reed, Sheriff Rogers, and the Commissioners. At the conclusion of discussion a motion was made by Mr. Wyman to approve the purchase of the EasyWater Conditioning System for the Criminal Justice Center, in the amount of \$11,310.00 for the conditioner system and installation, and \$6,765.00 for the Smart Guard RO and installation for the kitchen steamer. The motion was seconded by Mr. Bray and carried. This includes a six-month money back guarantee.

**IN THE MATTER OF CLAIMS AND REPORTS:**

Auditor Martha Lake submitted the following issues for the Commissioners' information and approval:

1. **Operating Claims:** The Commissioners' Operating Claims, payable today in the amount of \$617,456.94, were approved for payment as submitted on a motion made by Mr. Bray and seconded by Mr. Wyman.
2. **Early Payment Claim:** Ms. Lake submitted a claim to J. W. Marriott, Indianapolis, in the amount of \$95.00 for early payment. This claim is on behalf of Personnel Director Wanda McKillip, for a hotel room for the 2013 Indiana Governor's Conference for Women. The claim was approved for early payment on a motion made by Mr. Bray and seconded by Mr. Wyman.
3. **Salary Claims:** The Commissioners' Salary, Hourly, and Overtime claims payable October 25 and November 1, 2013, in the amount of \$345,973.96 each, were approved on a motion made by Mr. Bray and seconded by Mr. Wyman.
4. **Monthly Reports:** The (1) Treasurer's Monthly Report for the month ending September 30, 2013; the (2) Weights & Measures Monthly Report for the month of September 16 – October 15, 2013; and the (3) Veterans Service Office Monthly report for the month of September, were submitted and accepted on a motion made by Mr. Bray and seconded by Mr. Wyman. It was noted earlier in the meeting that the actual Federal Dollars to County Veterans (minus the death loss benefit) have passed the million dollar mark at \$1,005,240.00.

**IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

County Attorney Larry Murrell submitted the following issues for the Commissioners' information and approval:

1. **Waggoner – Irwin - Scheele Invoice:** Attorney Murrell submitted an invoice from Waggoner Irwin Scheele, in the amount of \$4,748.83, for consultation services relating to the Employee Policy Handbook. The invoice was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Bray.
2. **Wilson Invoices:** Invoices from Attorney Alan D. Wilson were submitted. The first is in the amount of \$1,185.00 and is the final bill for the Davenport v. Gibson. The next invoice is for ongoing litigation cases, in the amount of \$4,620.00 as follows: (1) Love v. Talbert; (2) Ken Marschand Claim; (3) State of Indiana v. Joshua E Smith; (4) Jared Mote v. Howard County. All invoices were approved for payment on a motion made by Mr. Wyman and seconded by Mr. Bray.
3. **Resolution No. 2013-BCCR-23:** In anticipation of the upcoming holidays, Mr. Murrell submitted Resolution No. 2013-BCCR-23, the Commissioners' determination to place holiday light displays on the Courthouse lawn. Commissioner Wyman read the resolution in full as follows:

**WHEREAS**, the Greater Kokomo Economic Development Alliance (“Alliance”) has offered to make holiday light displays available at no charge to the Board of Commissioners for placement on the Courthouse lawn from late November, 2013 to early January, 2014; and

**WHEREAS**, the Board hereby determines it is appropriate to erect such displays so long as they comply with Section 36.03 of the Code of Howard County (attached) and the guidelines established by the U.S. Supreme Court in Lynch V. Donnelly, 463 U.S. 668 (1984) and subsequent supporting decisions including (but not limited to) the recent holding in Freedom From Religion Foundation v. City of Warren, 707 F.3d 686 (6<sup>th</sup> Cir. 2013).

**NOW, THEREFORE, THE BOARD HEREBY DETERMINES THAT:**

1. The Board will erect holiday light displays furnished by the Alliance on the Courthouse lawn from late November, 2013 through early January, 2014.
2. The Alliance may assist with erecting the displays under the supervision, direction and control of this Board and in a manner that conforms to Section 36.03 of the Code of Howard County and the guidelines established by the U.S. Supreme Court in Lynch v. Donnelly and subsequent supporting decisions.

**Read and adopted this 21<sup>st</sup> day of October, 2013.**

A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve Resolution No. 2013-BCCR-23.

4. **Proposal To Facilitate Transfer to City:** Mr. Murrell submitted this Memorandum of Understanding between Howard County and the City of Kokomo in order to facilitate the transfer of City flood properties and the Continental Steel property to the City of Kokomo by Special Commissioners' Tax Sale. Beginning in 2004 the City and County have had discussions concerning the City's intent to acquire the title to the Continental Steel Superfund Site through the tax sale process. The process is now finalized through this MOU, and will also include fifty-four (54) flood damaged properties as part of the City's Flood Mitigation Program. This MOU develops the specific plan and timeline to finalize the transfers. A motion was made by Mr. Wyman to approve the County Proposal to Facilitate Transfer to City by Special Commissioners' Tax Sale of the City Flood Properties & Continental Steel. The motion was seconded by Mr. Bray and carried. Mr. Wyman thanked Auditor Lake, Treasurer Wells, and Attorney Murrell for their work in this proposal and for the subsequent tax sale process.
5. **Resolution No. 2013-BCCR-24:** Mr. Murrell submitted Resolution No. 2013-BCCR-24, a resolution determining intent to conduct sale of tax sale certificates for impaired properties. This resolution is the result of the previously approved Memorandum of Understanding with the City of Kokomo. The Sale will be held on Monday, December 9, 2013, and is opened to the public, who will be informed that this sale is for impaired properties. A motion was made by Mr. Wyman, seconded by Mr. Bray and carried to approve Resolution No. 2013-BCCR-24. Attorney Murrell thanked Ann Wells, Martha Lake, City Attorney Larry McCormack, and City Engineer Cary Stranahan, for their work on this issue. President Moore thanked Martha, Ann, Larry, and their offices for the work they have done and will be doing during the sale.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER BRAY:**

Mr. Bray informed the Board that he received a text from EMA Director Larry Smith that the 4,000 gallon fire tanker is back in the County's possession for Emergency Management, and the town of Greentown has donated a 3,000 gallon portable dump tank for the tanker.

**COMMISSIONER WYMAN:**

Mr. Wyman congratulated all on a successful Highway Half Marathon and 5K run.

**COMMISSIONER MOORE:**

1) Military Appreciation Days will begin the week after next. Gary Loveless and the various Veteran Organizations will be involved. This will be a good opportunity to thank and recognize our local veterans for their service to our country. Mayor Goodnight and Commissioner Moore will serve as Honorary Chairman of the week, along with the local National Guard Unit.

2) The following employees will be receiving Certificates of Appreciation for years of service as follows:

Five (5) Years:	John Eisele Robert McLaughin
Ten (10) Years:	Michelle Allen
Twenty (20) Years:	Angela Kelly

President Moore expressed appreciation to the employees for their service to Howard County.

3) Warm wishes and best of luck to Commissioner Wyman as he joins the contingency of Kokomo / Howard County citizens traveling to our sister city in China. Thank You for representing the County in this endeavor.

4) Mr. Moore congratulated Ms. Terra Weaver and Ms. Diane Bower who will be graduating from the Re-entry Court during graduation ceremonies in the Government Center, today, at noon.

**IN THE MATTER OF PUBLIC COMMENT:**

President Moore opened the floor for public comment as follows:

**Sandra Lushin, 1723 South Armstrong, and 4676 Wexmoor Drive, Kokomo:** She opposes industrial wind turbines; please get Howard County out of the contract.

**John Garr, Eastern Howard County:** Spoke about the wind turbine meeting in Tipton County last weekend.

*There being no further business to come before the Board of Commissioners at this time,  
the meeting was adjourned at 9:55 a.m. on a motion  
made by Mr. Wyman and seconded by Mr. Bray.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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ROBERT B. BRAY, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR

Howard County Commissioner Meeting October 21, 2013